

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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EMERY MUKENDI WAFWANA &
ASSOCIATES, P.C., and MOISE KAPANDA
MUKENDI, as Executor for the Estate of Emery
Mukendi Wafwana,

Plaintiffs,

-against-

20 **CIVIL** 9788 (VEC)

JUDGMENT

DANIEL MENGARA, ELITE LAW FIRM, SCP,
and EUGENIE ELANGA MONKANGO,

Defendants,

-and-

EMERY MUKENDI WAFWANA &
ASSOCIÉS, SCP,

Defendant Intervenor.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated June 30, 2022, the R&R is adopted in full, Defendant's motion to dismiss is granted, and this case is **DISMISSED** without prejudice. Because the R&R gave the parties adequate warning, *see* Dkt.124 at 20, the failure to object to the R&R precludes appellate review of this decision, *see Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) ("Where parties receive clear notice of the consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision."). Because appellate review is precluded, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from the Order would not be taken in good faith, and, therefore, permission to proceed *in forma pauperis* for purposes of appeal is denied.

Dated: New York, New York

July 5, 2022

RUBY J. KRAJICK

Clerk of Court

BY:

K. mango

Deputy Clerk